

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Donna M. CRABB et al.) **Prior** Group Art Unit: 1614
)
Continuation of Application No.:) **Prior** Examiner: C. Delacroix-Muirheid
09/853,854, filed May 11, 2001)
)
Filed: April 2, 2004)
)
For: METHODS OF USE OF)
ANTIMICROBIAL COMPOUNDS)
AGAINST PATHOGENIC)
MYCOPLASMA BACTERIA)

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed concurrently with this continuation application.

The listed documents were previously submitted by Applicants or cited by the Examiner in prior Application Nos. 09/853,854, filed May 11, 2001, and 09/399,855, filed on September 21, 1999 (now U.S. Patent No. 6,262,071), upon which Applicants rely for the benefits provided in 35 U.S.C. § 120. Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 2, 2004

By: 
William L. Strauss, Reg. No. 47,114 for
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INFORMATION DISCLOSURE CITATION

Atty. Docket No.	09404.0021-02	Cont. of Appln. No.	09/853,854
Applicant	Donna M. CRABB et al.		
Filing Date	Herewith	Prior Group:	1614

U.S. PATENT DOCUMENTS

Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	5,776,944	07/1998	Hong, et al.			
	5,962,468	10/1999	Hong et al.			

FOREIGN PATENT DOCUMENTS

Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
WO 98/42705	10/1998	PCT			
EP 0 688 772 A1	12/1995	EPO			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Dubois, et al., U.S. Application No. 09/395,492, filed March 23, 2001, entitled "Methods of Use of Fluoroquinolone Compounds Against Maxillary Sinus Pathogenic Bacteria" (now abandoned)
	Appelbaum, et al., U.S. Application No. 09/569,648, filed May 12, 2000, entitled "Methods of Use of Quinolone Compounds Against Pneumococcal and Haemophilus Strains"
	SB-265805, A Potent New Quinolone, 38 th Annual Interscience Conference on Antimicrobial Agents and Chemotherapy, ICAAC, San Diego Convention Centre, 105-F Poster Session, New Fluoroquinolones II, September 26, 1998: Abstract No. F-101 (Hannan et al.)
	Drugline, Molecule of the Month, Drug News Perspect 11(8), October 1998, 505
	Garau, J., The Role of Quinolones in the Treatment of Community-Acquired Pneumonia, Medicina Clinica, Vol. 110, Suppl 1, 31-35 (Feb. 1998)
	Graul, A., et al., SB-265805/LB-20304a Naphthyridine Antibacterial, Drugs Future, Vol. 23(11) 1199-1204 (1998)

Examiner	Date Considered
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce